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S E C R E T BAGHDAD 005046

SIPDIS

NOFORN

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TAGS: [MOPS](#) [PHUM](#) [PGOV](#) [KJUS](#) [IZ](#) [JO](#)

SUBJECT: ACTION REQUEST REGARDING DETAINEE TRAVEL TO AMMAN

Classified By: Classified by Counselor for Political-Military Affairs David C. Litt for Reasons 1.4 (b) and (d)

1. (U) This cable contains an action request; please see paragraphs 5-6.

2. (S/NF) Coalition Forces are releasing from custody twenty-three High-Value Detainees (HVDs) who have been determined not to pose an imperative threat to security, the standard set for Coalition detention. Eight were freed in Baghdad on December 17, nine (formerly ten) plan to fly on commercial air at their own expense to Amman upon their release on December 20 (formerly December 19), and five requesting release in Tikrit will be transported by helicopter on December 22. The release site of the final HVD has not been determined.

3. (S/NF) BACKGROUND: The ITG opposes the release of these HVDs, most of whom are elderly former Ba'athists detained since 2003, on political and public relations grounds. However the Iraqi High Tribunal has not presented credible evidence that would form the basis of warrants against these twenty-three individuals. The IHT has issued warrants and detention memoranda against some of the twenty-three even in the absence of evidence, but these warrants are at odds with the IHT's statutes.

4. (S/NF) Post has made it clear to the IHT that it considers these warrants to be invalid and that MNF-I cannot cooperate in the serving of these warrants. We have explained the same to the PM, also noting that we believe the warrants to be politically-motivated, and that we oppose Iraqi re-arrest of these HVDs unless new, credible evidence is developed. In the meantime, given the absence of valid warrants against these individuals, we consider them free to travel inside and outside Iraq. END BACKGROUND.

5. (S/NF) ACTION REQUEST: Given the high profile of these twenty-three HVDs, MNF-I would like to be aware if any or all of the nine former detainees now planning to travel to Jordan on commercial air on December 20 encounter difficulties in entering the country (ORA plans to inform the GOJ of the HVDs' travel plans in advance through collateral channels).

6. (S/NF) Post therefore requests that the Department ask Embassy Amman to provide an Embassy officer or employee to observe the arrival of the following passengers traveling on Royal Jordanian, departing Baghdad for Amman on December 20 at 1500 Baghdad time:

Sattam Hamed al Gaaod
Thaier Hussam al Din Mohamid Aldhan
Humam Abd al Khaliq Abd al Ghafur
Hazam Abdul Razzak Ayyubi Shihab
Hazim Muhammad Shaikh Salah al Ani
Ahmad Murtada Ahmed Khalil al Zuhair
Asil Aami Mohammand Mahdi Tabra
Ahmad Khalil Samir al Ani
Hussam Muhammad Amin al Yasin

Post requests that the observer report any incidents or noteworthy developments to one or more of the following points-of-contact: Amanda Pilz, MCI 914-822-5508, Stephanie Pollard, MCI 914-360-3907, COL Bill Ivey, MCI 914-822-2428, and/or LTC Thaddeus Kozlowski, MCI 914-822-0637.

7. (U) Post and MNF-I thank the Department and Embassy Amman for their patience and assistance.
KHALILZAD